

REMARKS

Reconsideration of the subject application is requested in view of the following remarks.

I. Claim Status

Claims 23, 24, 27, 29-34, 36, 40-63, and 65 have been canceled, without prejudice or disclaimer. Claims 1-22, 25, 26, 28, 35, 37-39, 64, and 66-85 are pending and at issue.

II. Anticipation Rejections**A. Rejections Under 35 U.S.C. § 102(e)**

Claims 1-22, 35, 64, and 66-82 remain provisionally rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Application Serial No. 10/719,553 (“the ‘553 application;” published as U.S. Publication No. 2004/0091500). According to the Examiner, the ‘553 application “discloses some of the same Bet v 1 mutants, disclosed in the current application.” This rejection is traversed on the grounds that the ‘553 application does not disclose the presently claimed invention.

The ‘553 application does not anticipate the present claims because it does not disclose every limitation of the claimed invention. MPEP § 2131.01 (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” citing *Verdegaal Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the patent claim.” citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989)).

For at least the reasons set forth above, claims 1-22, 35, 64 and 66-82 are not obvious over claims 39-96 of the '553 application. Reconsideration of claims 1-22, 35, 64, and 66-82 and withdrawal of the obviousness-type double-patenting rejection thereof is requested.

IV. Conclusion

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

If there are any other issues remaining, which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

By 

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